

BATON ROUGE POLICE DEPARTMENT

General Order
No.131

Effective Date
11-01-1994

Revised Date
08-9-2018

Subject: Use of Deadly Force

Reviewed 8-9-18

POLICY

The protection of human life is the first priority of the Department. It is the responsibility of all employees to use reasonable judgment in all circumstances where deadly force may be employed. The capture of any violator is secondary to officer safety and the welfare of innocent citizens who may accidentally become involved in a police action.

Employees shall never employ unnecessary force or violence, and will use only such force in the discharge of duties as is reasonably necessary in all circumstances. Employees shall use force in accordance with law and established Department procedures.

The purpose of this order is to inform members of the rules of the Baton Rouge Police Department regarding the use of deadly force. Additional procedural guidelines regarding this area are found elsewhere in the Manual.

DEFINITIONS

Deadly Force

Deadly force shall be defined as that level of force which a reasonable and prudent person would consider likely to cause death or great bodily harm.

Reasonableness

The decision to use force must be based on reasonableness and necessity. The use of force in any degree must be based on a reasonable judgment that force is necessary under the circumstances.

Immediately Necessary

Force should be used only when it is reasonable to believe that it is immediately necessary. There must be an immediate and reasonable need for the force used. When force in any degree (but particularly deadly force) is used against a suspect, the officer's action will be judged in large part by whether the force was reasonably necessary at the moment of its use. Force, particularly deadly force, should not be used except as a last resort.

Serious Bodily Injury

Bodily injury which involves unconsciousness, extreme physical pain or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

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PROCEDURES

I. Use of Force to Arrest or Maintain Custody

- A. Employees may use reasonable force to effect a legal arrest or detention, and also to overcome any resistance or threatened resistance of the person being legally arrested or detained.
- B. Only the amount of force necessary to effect the arrest may be used.

III. Use of Deadly Force

- A. Officers are required to give a verbal warning, when possible, before using deadly force.
- B. Employees shall employ deadly force only in defense of their own lives or in defense of the life of another person. It is essential that the employees reasonably believes that he or some other person is in immediate and apparent danger of suffering death or great bodily harm and that the use of deadly force is the only prudent preventative measure available to him.
- C. Deadly force shall not be justified merely in the protection of property, nor in the prevention of escape by a prisoner or felon, unless the standard set forth above is met.
- D. Officers will not employ chokeholds or strangleholds, except in emergency circumstances where it is immediately necessary to use deadly force and the authorized weapons are inoperable, inaccessible or otherwise not available.
- E. Officers will be prohibited from discharging a firearm at a moving vehicle unless the vehicle or the person in the vehicle poses an immediate deadly threat.
- F. A report shall be submitted whenever an employees takes an action that results in (or is alleged to have resulted in) injury or death of another person.

IV. Internal Investigations

- A. The Internal Affairs Division shall conduct an administrative investigation of all incidents where injury requiring treatment or death occurs as the result of an action on an employee's part.
- B. All discharges of firearms, other than in training or for recreational purposes, whether intentional or accidental, on or off duty shall be investigated by this unit.
- C. The focus of the investigation shall be whether all applicable Department policies, procedures, rules and regulations were followed by the officer involved.

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- D. The investigation shall be conducted in compliance with all Department guidelines pertaining to internal administrative investigations.

V. Criminal Investigations

- A. The Criminal Investigation Division shall conduct a criminal investigation of all incidents where a death occurs as the result of an action on an employee's part.
- B. Depending on the circumstances, the Chief of Police may order criminal investigations of any incident involving employees.
- C. Investigations shall be conducted in compliance with all Department guidelines pertaining to criminal investigation of employees.
- D. In such cases, the District Attorney shall also be notified, and it shall be at his discretion to present the case to a grand jury.

VI. Officer Leave

- A. Any employee engaged in an incident where a death occurs shall be immediately relieved of his regular duties for a minimum of two (2) working days. During this time, the employees shall be considered on administrative leave, and may be required to make himself available to investigators for questioning.
- B. At the end of two (2) working days, the Chief of Police shall take one of the following courses of action:
 - 1. Return the employee to his regular assignment.
 - 2. Temporarily reassign the employee to duties other than his regular assignment.
 - 3. Extend the administrative leave.
 - 4. Approve additional other leave (sick, injury, vacation, compensatory).
 - 5. Suspend the employee without pay.
 - 6. Dismiss the employee.
- C. Extension of administrative leave or approval of sick or injury leave may be contingent upon the employee agreeing to undergo counseling or other medical evaluation prior to returning to duty.